

Lisa Jackson Briefing Paper on California Water Issues
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In December 2009, six Federal agencies issued an Interim Federal Action Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta), describing a variety of Federal actions and investments the Administration has been undertaking or will take to help address California's water supply and ecological crises. Important strides have been made on the activities described in the Interim Federal Action Plan to address several of the causes of ecosystem decline and to bring greater reliability to management of water supplies. Priorities identified in the Interim Federal Action Plan include working cooperatively with the state of California to develop the Bay Delta Conservation Plan, implementing water conservation and efficiencies, water quality and other stressors, drought relief services to farmers and integrated flood management. A summary of some of the key current issues follows.

Water Supply: The U.S. Bureau of Reclamation on May 22 announced an allocation of 55 percent of contract amounts for south of Delta agricultural water service contractors, increased from 50 percent provided in the previous allocation announcement, and an allocation of 80 percent for south of Delta municipal and industrial water service contractors, increased from 75 percent provided in the previous allocation announcement. The State Water Project operated by the State of California has announced an allocation of 70 percent of contract amounts to its contractors. These allocations for both the federal and state projects would be approximately 5 to 10 percent greater in the absence of restrictions on export pumping to meet requirements of the Endangered Species Act (ESA) to protect listed species.

Bay Delta Conservation Plan (BDCP): The BDCP is a collaborative effort begun in 2006 to achieve the so-called "co-equal goals" of restoring the San Francisco San Joaquin Bay Delta ecosystem and providing water supply reliability. The proposed 50 year plan is intended to satisfy the requirements for a habitat conservation plan and for the issuance of a biological opinion under sections 10 and 7 respectively of the ESA, and the requirements of California's Natural Community Conservation Planning Act. A central feature of the plan under development is a facility, likely a tunnel, approximately 35 miles long to convey water from north to south around the Delta. The plan will be science based, will address stressors in addition to the project pumps (e.g., contaminants, non-native species), and will contain major habitat restoration actions and adaptive management and monitoring provisions. The plan is being developed in a collaborative process by the California Department of Water Resources, the Bureau of Reclamation, and federal and state water contractors, with the participation of federal and state fish agencies and NGO organizations. The federal agencies are working in close partnership with their state counterparts. When a draft of the plan is completed, anticipated in late 2011 or early 2012, it and accompanying environmental review documents will be released for public review and comment.

Litigation: A biological opinion (BO) issued by the Fish and Wildlife Service on the effects of the operations of the federal and state water projects on the delta smelt has been ruled invalid by a district judge in Fresno. Proceedings to determine a remedy are scheduled for later this month. A BO issued by the National Marine Fisheries Service addressing the effects of project operations on salmonid species is the subject of litigation in the same Fresno court as the smelt opinion. Hearings on the plaintiffs' requests for a preliminary injunction and temporary restraining order are scheduled to take place **March 23-25**.

Congressional Hearing: On Monday, April 11, 2011 the House Natural Resources Committee's Subcommittee on Water and Power will hold a field hearing in Fresno, California on *"Creating Jobs by Overcoming Man-Made Drought: Time for Congress to Listen and Act."* The hearing is likely to focus on the effects of ESA implementation by federal agencies and is likely to be contentious.

California Legislation, Delta Stewardship Council: In late 2009, California enacted major legislation addressing Bay-Delta issues. A major policy aspect of the legislation is the articulation of and commitment to achieving the co-equal goals of ecosystem restoration and water supply reliability. The legislation created the Delta Stewardship Council, a seven member independent body, and directed it to develop, adopt and implement by January 1, 2012 a Delta Plan. The plan will be comprehensive, and may incorporate the BDCP if the BDCP meets certain criteria.